



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,428	03/01/2000	Kevin D. Satterfield	ODS-10	3649
75563 7590 04/13/2009				
ROPES & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704				
EXAMINER				
ROBINSON BOYCE, AKIBA K				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/516,428

Applicant(s)

SATTERFIELD ET AL.

Examiner

AKIBA K. ROBINSON BOYCE

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-50 and 52-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-50 and 52-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the **Appeal Brief** filed on **1/6/09**, PROSECUTION IS HEREBY REOPENED. **A new ground of rejection** is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John W Hayes/

Supervisory Patent Examiner, Art Unit 3628

Status of Claims

2. Due to communications filed 1/6/09, the following is a non-final office action. Claims 18 and 51 are been cancelled. Claims 1-17, 19-50 and 52-67 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn, and claims 1-17, 19-50 and 52-67 are rejected as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 18-27, 29-50, 52-60, 62-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves et al. (US 5,830,067), and further in view of Brenner et al. (US 6,099,409).

As for Claim 1 :

Graves et al. disclose a method for interactive wagering comprising: allowing a user to access an interactive wagering service to select desired wagering criteria (col. 4, lines 17-42; col. 4, line 55- col. 5, line 21; col. 6, line 58 - col. 7, line 4; see Fig. 1);

receiving data about a plurality, (Col. 4, lines 55-55, fetches and sends directory and schedule of all available games to the client);

determining whether a desired wagering opportunity exists by comparing at least a portion of the received racing data to the wagering criteria, (Col. 4, line 55-Col. 5, line-18, and col. 7, lines 22-30, when client requests that he wants to purchase a chance, information accumulated into a Player Preference File, and used to customize information likely to be of value for client making wagers/deciding if results of game correlate with recorded cards/proxy machine makes decisions on how to wager based on information in Player Preference File and the ability to automatically make strategic game play decisions based on one or more of the criteria available); and

using the interactive wagering application to automatically take a particular action (automatically placing a wager) in response to determining that desired wagering opportunity exists, where the particular action comprises at least providing a notification to the user that the desired wagering opportunity exists (see Supra and Figs. 1-4, in this case, the notification is represented by automatic wagering since when this occurs, the user knows that the wagering opportunity exists since wagering can not occur if the opportunity does not exist and also in Col. 6, line 58-Col. 7, line 4, providing free samples of the game)

Graves et al does not specifically disclose interactive wagering on races and receiving racing data about a plurality of races, however does disclose a system that enables clients to participate in a game of chance even though a client is not present at the site of the game as shown in the abstract.

However, in col. 3, lines 35-39, Brenner et al. discloses involves off-track wagering systems and related processes where racing data such as the names and post positions of the runners that are in various races and the current odds and payoffs for those races are provided by a wagering facility. Since Brenner et al. and Graves et al. are both from the same filed of endeavor, the purpose disclosed by Brenner et al. would have been well recognized in the pertinent field of Graves et al. It therefore would be obvious to combine the teachings of Graves et al and Brenner et al to disclose interactive wagering on races and receiving racing data about a plurality of races.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose interactive wagering on races and receiving racing data about a plurality of races with the motivation of showing that wagering for races can be incorporated into and used in a game of chance situation.

- As for Claim 2: Graves et al. further discloses the method including using the application to provide the user with an opportunity to select which particular action is taken whenever the wagering criteria are satisfied (Id.);

- As for Claim 3: Graves et al. further discloses the method including using user television equipment, using the application on the user television equipment to determine whether the wagering criteria are satisfied (see Col. 1, lines 27-33);

As for Claims 4-13, 37-46:

Graves et al. discloses the invention as recited earlier but does not expressly disclose the invention including:

providing the user with an opportunity to select a particular racetrack - Claims 4 and 37; to select a particular horse - Claims 5 and 38; to search for a desired horse with a remote control - Claims 6 and 39; to select a particular jockey - Claims 7 and 40; to select a particular trainer- Claims 8 and 41; to select a particular track surface - Claims 9 and 42; to select a particular race distance - Claims 10 and 43; to select a particular racing statistics - Claims 11 and 44; to select a particular silk color- Claims 12 and 45; and to wager by odds for a horse change from that horse's morning line odds - Claims 13 and 46.

Brenner et al. teaches, for a interactive wagering system for horse racing games, that the system allows the user to select a particular racetrack, a particular horse; to search for a desired horse with a remote control; to select a particular jockey, a particular trainer, a particular track surface, a particular race distance, a particular racing statistics, and a particular silk color; and to wager by odds for a horse change from that horse's morning line odds (see Figs. 3, 5, 8-28, 36-50 and the descriptions thereof).

Since Brenner et al. and Graves et al. are both from the same field of endeavor, the purpose disclosed by Brenner et al. would have been well recognized in the pertinent field of Graves et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system of Graves et al. to play the horse

racetrack wagering (to select a particular racetrack, a particular...), as taught by Brenner et al., for the purpose of providing the user with the interactive wagering systems and related processes for off-track horse racing wagering in which a user terminal provides racing odds, pools, handicapping information, and other racing data.

- As for Claim 14: Graves et al. further discloses the method including providing the user with an opportunity to select whether the action taken involves the automatic placing of a wager (col. 4, lines 17-42; col. 4, line 55 - col. 5, line 21; col. 6, line 58 - col. 7, line 4);

- As for Claim 15: Graves et al. further discloses the method wherein the action taken involves the automatic placing of a wager, the method further including providing the user with an opportunity to select a wager amount and amount type (Id.);

- As for Claim 16: Graves et al. further discloses the method wherein there are multiple sets of wagering criteria established by the user, each with an associated action to be taken (col. 2, lines 39-43, playing multiple games), the method further including providing the user with an opportunity to select a different wager amount and wager type for each of the multiple sets of wagering criteria (col. 2, line 63 - col. 3, line 7);

- As for Claim 17: Graves et al. further discloses the method including providing different

user interfaces with the wagering application for selecting different types of wagering criteria (Id.);

As for Claims 19, 21-25:

The modified method of Graves et al. further discloses the invention including:

notifying the user by displaying a partial-screen overlay message on top of a screen (col. 2, lines 43-46 of Brenner et al.) - Claim 19;

notifying the user via a wireless message (col. 7, lines 35-38 of Brenner et al.) - Claim 21;

notifying the user that the wagering criteria have been satisfied by displaying a message on the TV (col. 1, lines 13-15 of Brenner et al.) - Claim 22;

providing a display screen containing a summary of which types of wagering criteria have been established (col. 3, lines 15-18 of Brenner et al.) - Claim 23;

wherein the summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied (col. 2, lines 47-53 of Brenner et al.) - Claim 24; and

wherein the summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied (col. 2, lines 47-53 of Brenner et al.) - Claim 25.

- As for Claim 20: Graves et al. further discloses the method including notifying the user that the wagering criteria have been satisfied using an e-mail (col. 6, lines 22- 41);

- As for Claim 26: Graves et al. further discloses the method including using the wagering application to limit automatic wagering based on monetary wagering limits (see Fig. 3 and the description thereof);

- As for Claim 27: Graves et al. further discloses the method including providing the user with an opportunity to select a desired monetary wagering limit; and using the wagering application to limit automatic wagering based on the monetary wagering limit (Id.);

As for Claim 29:

Graves et al. discloses a method for interactive wagering comprising:

allowing a user to select desired wagering criteria (col. 4, lines 17-42; col. 4, line 55 - col. 5, line 21 ; col. 6, line 58 - col. 7, line 4; see Fig. 1);

determining whether a desired wagering opportunity exists; and

automatically taking a particular action/ automatically providing a notification to the user that the horse is to run in the at least one race and placing a wager for the given horse in response to determining that the given horse is to run in the at least one race (automatically placing a wager) whenever the wagering criteria are satisfied (see Supra and Figs. 1-4, in this case, the notification is represented by automatic wagering since when this occurs, the user knows that the wagering opportunity exists since wagering

can not occur if the opportunity does not exist and also in Col. 6, line 58-Col. 7, line 4, providing free samples of the game).

receiving racing data about a plurality of races, (Col. 4, lines 55-55, fetches and sends directory and schedule of all available games to the client);

However, Graves et al. does not expressly disclose the invention that allows the user to select a given horse, or making a determination if the given horse is to run in at least one race by comparing at least a portion of the receive racing data to an identification of the given horse.

Brenner et al. teaches, for a interactive wagering system for horse racing games, that the system allows the user to select a particular racetrack, a particular horse; to search for a desired horse with a remote control; to select a particular jockey, a particular trainer, a particular track surface, a particular race distance, a particular racing statistics, and a particular silk color; and to wager by odds for a horse change from that horse's morning line odds (see Figs. 3., 5, 8-28, 36-50 and the descriptions thereof).

Since Brenner et al. and Graves et al. are both from the same filed of endeavor, the purpose disclosed by Brenner et al. would have been well recognized in the pertinent field of Graves et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system of Graves et al. to play the horse racetrack wagering (to select a particular racetrack, a particular...), as taught by Brenner et al., for the purpose of providing the user with the interactive wagering systems and

related processes for off-track horse racing wagering in which a user terminal provides racing odds, pools, handicapping information, and other racing data.

- As for Claim 30: the modified method of Graves et al. further discloses the invention including providing the user with an opportunity to select the amount of the wager and the wager type (as taught by both Graves et al. and Brenner et al., see Supra).

- As for Claim 31: the modified method of Graves et al. further discloses the invention including providing the user with an opportunity to select multiple horses using the wagering application; and automatically placing a wagers for each horse when it is determined that the horse is to run in a particular race (see Supra Claim 16 for the Graves et al.'s multiple wagering and Brenner et al. for selecting the particular horse in the particular race).

- As for Claim 32:
Graves et al. discloses an interactive wagering system, comprising:
user equipment configured to:
select desired wagering criteria (col. 4, lines 17-42; col. 4, line 55 - col. 5, line 21 ;
col. 6, line 58 - col. 7, line 4; see Fig. 1);
determine whether a desired wagering opportunity exists; and
automatically take a particular action (automatically placing a wager) whenever the
wagering criteria are satisfied/automatically provide a notification to the user that the horse

is to run in the at least one race and place a wager for the given horse in response to determining that the given horse is to run in the at least one race, (see Supra and Figs. 1-4, in this case, the notification is represented by automatic wagering since when this occurs, the user knows that the wagering opportunity exists since wagering can not occur if the opportunity does not exist and also in Col. 6, line 58-Col. 7, line 4, providing free samples of the game).

receive racing data about a plurality of races, (Col. 4, lines 55-55, fetches and sends directory and schedule of all available games to the client);

However, Graves et al. does not expressly disclose the invention that allows the user to select a given horse and place a wager for the horse in a particular race or determining if the given horse is to run in at least one race by comparing at least a portion of the received racing data to an identification of the given horse.

Brenner et al. teaches, for a interactive wagering system for horse racing games, that the system allows the user to select a particular racetrack, a particular horse; to search for a desired horse with a remote control; to select a particular jockey, a particular trainer, a particular track surface, a particular race distance, a particular racing statistics, and a particular silk color; and to wager by odds for a horse change from that horse's morning line odds (see Figs. 3., 5, 8-28, 36-50 and the descriptions thereof).

Since Brenner et al. and Graves et al. are both from the same filed of endeavor, the purpose disclosed by Brenner et al. would have been well recognized in the pertinent field of Graves et al..

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system of Graves et al. to play the horse

racetrack wagering (to select a particular racetrack, a particular...), as taught by Brenner et al., for the purpose of providing the user with the interactive wagering systems and related processes for off-track horse racing wagering in which a user terminal provides racing odds, pools, handicapping information, and other racing data.

As for Claim 33: the modified system of Graves et al. further discloses the system including user computer equipment separate from the user television equipment, wherein the wagering application notifies the user at the user computer equipment by e-mail (see Supra pertinent Claims).

As for Claim 34:

Graves et al. disclose a computer-readable medium comprising instructions for: allowing a user to select desired wagering criteria (col. 4, lines 17-42; col. 4, line 55 - col. 5, line 21; col. 6, line 58 - col. 7, line 4; see Fig. 1);

receiving racing data about a plurality of races, (Col. 4, lines 55-55, fetches and sends directory and schedule of all available games to the client);

determining whether a desired wagering opportunity exists by comparing at least a portion of the received racing data to the wagering criteria, (Col. 4, line 55-Col. 5, line-18, when client requests that he wants to purchase a chance, information accumulated into a Player Preference File, and used to customize information likely to be of value for

client making wagers/deciding if results of game correlate with recorded cards/proxy machine makes decisions on how to wager based on information in Player Preference File); and

automatically taking a particular action (automatically placing a wager) in response to determining that a desired wagering opportunity exist, wherein the particular action comprises at least providing a notification to the user that the desired wagering opportunity exists, (see Supra and Figs. 1-4, in this case, the notification is represented by automatic wagering since when this occurs, the user knows that the wagering opportunity exists since wagering can not occur if the opportunity does not exist and also in Col. 6, line 58-Col. 7, line 4, providing free samples of the game).

- As for Claim 35: Graves et al. further discloses the medium including using the application to provide the user with an opportunity to select which particular action is taken whenever the wagering criteria are satisfied (Id.);

- As for Claim 36: Graves et al. further discloses the medium wherein the medium is used with user television equipment (see Supra);

- As for Claim 47: Graves et al. further discloses the medium including providing the user with an opportunity to select whether the action taken involves the automatic

placing of a wager (col. 4, lines 17-42; col. 4, line 55 - col. 5, line 21; col. 6, line 58 - col. 7, line 4);

- As for Claim 48: Graves et al. further discloses the medium, wherein the action taken involves the automatic placing of a wager, the medium further including providing the user with an opportunity to select a wager amount and amount type (Id.);

- As for Claim 49: Graves et al. further discloses the medium wherein there are multiple sets of wagering criteria established by the user, each with an associated action to be taken (col. 2, lines 39-43, playing multiple games), the medium further including providing the user with an opportunity to select a different wager amount and wager type for each of the multiple sets of wagering criteria (col. 2, line 63 - col. 3, line 7);

- As for Claim 50: Graves et al. further discloses the medium including providing different user interfaces with the wagering application for selecting different types of wagering criteria (Id.);

- As for Claims 52, 54-58:

The modified medium of Graves et al. further discloses the invention including:

notifying the user by displaying a partial-screen overlay message on top of a screen (col. 2, lines 43-46 of Brenner et al.) - Claim 52;

notifying the user via a wireless message (col. 7, lines 35-38 of Brenner et al.) - Claim

54;

notifying the user that the wagering criteria have been satisfied by displaying a message on the TV (col. 1, lines 13-15 of Brenner et al.) - Claim 55;

providing a display screen containing a summary of which types of wagering criteria have been established (col. 3, lines 15-18 of Brenner et al.) - Claim 56;

wherein the summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied (col. 2, lines 47-53 of Brenner et al.) - Claim 57; and

wherein the summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied (col. 2, lines 47-53 of Brenner et al.) - Claim 58.

- As for Claim 53: Graves et al. further discloses the medium including notifying the user that the wagering criteria have been satisfied using an e-mail (col. 6, lines 22- 41);

- As for Claim 59: Graves et al. further discloses the medium including using the wagering application to limit automatic wagering based on monetary wagering limits (see Fig. 3 and the description thereof); and

- As for Claim 60: Graves et al. further discloses the medium including providing the user with an opportunity to select a desired monetary wagering limit; and using the

wagering application to limit automatic wagering based on the monetary wagering limit (Id.).

-As for claims 62, 66, Graves discloses:

allowing the user to place a wager on the desired wagering opportunity in response to providing the notification, (Col. 6, line 58-Col. 7, line 4, after providing free samples of the game, determining if client wishes to play a game that requires dynamic responses).

-As for claims 63, 67, Graves discloses:

wherein providing a notification to the user that the desired wagering opportunity exists comprises automatically providing the notification at substantially the same time that it is determined that the desired wagering opportunity exists, (See Supra, Fig. 1, and Col. 6, line 58-Col. 7, line 4)³.

-As for claim 64, the modified Graves discloses: wherein providing a notification to the user that the horse is to run comprises automatically providing the notification at substantially the same time that it is determined that the given horse is to run in the at least one race, (See Supra, Fig. 1, and Col. 6, line 58-Col. 7, line 4)³.

-As for claim 64, the modified Graves discloses: wherein the user television equipment is configured to provide the notification to the user that the horse is to run at substantially the same time that it is determined that the given horse is to run in the at least one race, (col. 3, lines 41-42, television screen used to display receipt).

5. Claims 28 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves et al., and further in view of Brenner et al. (US 6,099,409), as applied to Claims 1 and 34 above, and further in view of Hedges et al. (US 4,467,424).

As per claims 28 and 61, Graves et al. discloses the invention as cited earlier, but does not specifically disclose the invention comprising:

using the wagering application to provide the user with an opportunity to select an expiration time for automatic wagering.

Hedges et al. is cited to show that there is an expiration time to enter a bet.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Graves et al. such that the user can select an expiration time for automatic wagering, as taught by Hedges et al., for the purpose of reminding the user of the remaining time and providing the user with the opportunity to change or cancel the wagering.

Response to Arguments

6. Applicant's arguments filed 11/18/08 have been fully considered but they are not persuasive.

Applicant argues that prior art does not disclose determining whether a desired wagering opportunity exists by comparing received racing data to desired wagering criteria or providing a notification to the user in response to determining that a desired a wagering opportunity exists or a selected horse is about to run in a race. Applicant argues that that although Graves' proxy playing machine may make some strategic decisions on behalf of the player while the machine is playing a game, and that various summary and reporting notifications may be sent to the player in Graves, according to applicant, these notifications only include replicas of the game cards actually in play or the results of the game. However, examiner maintains her position. As discussed previously, and above in the rejection, col. 4, lines 17-42; col. 4, line 55- col. 5, line 21; col. 6, line 58 - col. 7, line 30 of Graves describes that when a client requests that he wants to purchase a chance, information is accumulated into a Player Preference File, and used to customize information likely to be of value for client making wagers. These passages also shows deciding if results of game correlate with recorded cards, and that the proxy machine makes decisions on how to wager based on information in Player Preference File, and automatic wagering takes place, and also the ability to automatically make strategic game play decisions based on one or more of the criteria available. Since the proxy machine makes decisions on how to wager based on

information in Player Preference File in Graves, and also the ability to automatically make strategic game play decisions based on one or more of the criteria available, Graves therefore suggests determining whether a desired wagering opportunity exists by comparing received racing data to desired wagering criteria. In addition, the notification is represented by automatic wagering since when this occurs, the user knows that the wagering opportunity exists since wagering is actually being implemented. Furthermore, as shown in Col. 6, line 58-Col. 7, line 4, free samples of the game are provided, which also represents notification since the free samples informs a user that wagering opportunities are available for those particular games.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
April 13, 2009

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628